

MARY PRICE, REPRESENTATIVE OF JAMES PRICE.

JUNE 10, 1842.

Read, and laid upon the table.

Mr. HALL, from the Committee on Revolutionary Claims, submitted the following

REPORT:

The Committee on Revolutionary Claims, to which was referred the petition of Mary Price, representative of James Price, submit the following report :

The petitioner represents that James Price, at the time of the invasion of Canada by the troops of the United States, in 1775, was a resident of Montreal; that he was appointed a deputy commissary general to the troops of the United States, and furnished them large amounts of supplies, and made sundry advances in money; and that, in consequence of taking sides with the United States, he was obliged to abandon the said province and remove to the United States, leaving there a large amount of property, which was confiscated by the British Government: for which various advances and losses she prays compensation of Congress.

The petitioner states her claims as follows, viz:

Real estate in Montreal abandoned, and confiscated by the British	\$20,000 00
Debts due Mr. Price in Canada, which were lost by his removal	13,500 00
Pay as commissary from March 29, 1776, to October, 1777, at \$75 per month	1,425 00
Interest on \$100 lent General Gates in December, 1778, to the present time, say	380 00
Loss by depreciation on a certificate issued to him by the United States	562 13

The petitioner produces a commission, signed by John Hancock, President of Congress, dated March 29, 1776, constituting James Price "deputy commissary general of stores and provisions in Canada," but no other evidence whatever.

In regard to the losses sustained by Mr. Price in consequence of his being obliged to abandon his property in Canada, it may be remarked that, as no evidence is produced on the subject, it is impossible to ascertain any thing in regard to the amount of those losses. It appears, however, that there were many individuals who suffered losses in consequence of being refugees from Canada, and that Congress, in consideration of

their losses, made sundry provisions for their temporary maintenance and support; that the State of New York, at the request and on account of the United States, granted them lands in that State, and that Congress, on the 23d of April, 1783, resolved that, as soon as "they could consistently make grants of land, they would reward in that way, as far as might be consistent, the officers, men, and others, refugees from Canada." See also journals of Congress of November 10, 1780; August 9, 1783; September 22, 1785; June 30, 1786; October 12, 1787; October 2, 1788.

It appears, from the papers presented by the petitioner, that James Price received a grant of 500 acres of land of the State of New York as a Canadian refugee; and, on the 7th of April, 1798, Congress passed an act for carrying into effect their resolution of April 23, 1783, which provided for the adjustment of the claims of said refugees by a board of commissioners. It further appears that James Price presented a claim to the commissioners, and that, in pursuance of their report, a grant of 640 acres of land was made him by act of February 18, 1801. Whether this grant, with others that had been previously made, was an adequate compensation for the losses of Mr. Price, the committee, not having access to the evidence then produced, cannot determine. It was, however, all the compensation Congress thought it their duty to make, and, in the opinion of the committee, it is now too late to revise their decision.

The next item of the petitioner's claim is for the services of James Price as commissary. After the close of the war, a commissioner was appointed to settle the accounts in the commissary department, who went into the different States for that purpose, and the accounts of commissaries could also be adjusted at the Treasury; but, the settlements of that period being all destroyed, it is impossible to ascertain whether the accounts of Mr. Price were then settled or not. It is to be presumed that he was furnished with funds by the Government with which to purchase his supplies; but, as the books of that period are also destroyed, it is impossible to ascertain what advances were made him, or whether he retained in his hands sufficient to compensate him for his services or not. It appears from the papers presented that a settlement was made with him at the Treasury on the 5th of February, 1790, when a balance was paid him; but whether his charge for services was included in the settlement does not appear. If the claim had not been previously adjusted, it must be presumed to have been then settled.

The next item of the petitioner's claim is for the interest, from December, 1778, on the sum of \$100, then said to have been loaned by James Price to General Gates on account of the United States. It appears, from papers remaining in the office of the Register of the Treasury, that Mr. Price made a claim for the principal and interest of this sum at the settlement with him in February, 1790, and that it was then disallowed; but that, on his filing new and important additional evidence, the principal sum of \$100 was allowed to him at the Treasury in April, 1818. It is for the interest on this sum that the claim is now made.

In regard to this claim, the committee would observe that they have uniformly considered the Government as standing on a different footing from that of individuals, as it respects the payment of interest. Among individuals, it is the business of the debtor, unless he contracts to the contrary, to look up his creditor, and make payment to him; but it is obviously impracticable for the Government to do so. If the Govern-

ment has suitable officers appointed to receive and adjust claims upon it, and they are adjusted and paid within a reasonable time after being presented and proved to be valid, the Government has performed its whole duty in the matter. It is, in the nature of things, impossible for the Government to make payment of a claim until it is demanded and shown to be just. It is unreasonable that the Government should be liable to pay interest until it has had an opportunity to make payment. It is the fault of the creditor if the claim is delayed, and therefore the creditor should suffer the loss of the use of the money occasioned by his delay. In this case it does not appear that the claim for the principal was ever shown to the Government to be just until 1818, when it appears to have been promptly paid. On this ground, therefore, the committee would be disposed to report against the allowance of interest. But they are not without some doubt that the principal was improperly allowed in 1818, though, from the want of the papers showing the settlements with Mr. Price previous to 1818, and of the papers showing the settlement with General Gates, they are unable to ascertain with certainty on what foundation the claim rested. James Price, son of the original claimant, petitioned Congress for this interest in 1819, and on the 5th of July of that year a favorable report on the claim was made by the Committee on Pensions and Revolutionary Claims; which report will be found in Gales & Seaton's State Papers, volume on claims, page 673. But no bill was passed; and, on a re-examination of the claim by the committee of the next Congress, an unfavorable report was made, in which the committee say "that it appears, by the papers accompanying the petition, that the United States has paid the hundred dollars mentioned by the petitioner twice—once to General Gates, and lastly to the petitioner; and they can see no reason why the United States should pay interest upon a principal that they were not legally bound to pay." For this report see manuscript reports, vol. 1, page 265. If this report, which seems to have quieted the claim for nearly twenty years, is to be relied on, it would seem that the principal had been improperly allowed in 1818, and that therefore there could under no circumstances be any just claim for interest.

The remaining item in the claim of the petitioner is for loss by depreciation on a Government certificate issued to him, as is alleged by the petitioner, to indemnify him for a judgment recovered against him in Massachusetts by an individual for Canada, to whom he had become liable for supplies furnished Colonel Moses Hayne's regiment. This certificate, it is alleged, he was obliged to sell at 50 per cent. discount, and to pay the balance of the judgment out of his own funds. The date of this transaction is not given, nor is any evidence produced on the subject. But if the facts were proved as stated, the claim would not be of a character which could be allowed. The losses of individuals, by depreciation in various ways, were immense during the revolutionary period—so great and so various, indeed, that Congress never undertook to make up the losses occasioned by it. It would now be too late to equalize them among the sufferers, if Congress were disposed to do it. The lapse of time has rendered a sufficient knowledge of the facts and circumstances altogether inaccessible. On this subject, see report of the present session, No. 530, in the case of Tristram Coffin.

It may be further stated that James Price, at the time of the invasion of Canada, belonged to the firm of Price & Haywood, of Montreal, who ap-

pear, by the journals of Congress, to have had large transactions with the Government, in the way of furnishing supplies to the troops, for which Congress made great exertions to pay and indemnify them. Whether in these transactions they suffered losses or made profits the committee have no means of ascertaining. There can be no doubt that the services of Mr. Price were highly valuable to the Government, and if he suffered by them, as the petitioner represents, his losses are to be regretted. But, however much the committee may feel disposed to sympathize with the petitioner for the share of those sufferings which she represents has fallen on her, they do not deem themselves authorized, sitting as they do to adjudicate upon the *contracts* of the revolutionary Government, to recommend any allowance not sustained by proof. It should be remembered, also, that there was a time when full proof in regard to these old transactions was accessible to the claimant as well as to the Government; and if he then neglected to make and substantiate his claims, his losses must, in some degree at least, have been chargeable to his own neglect.

The committee recommend that the prayer of the petitioner be not granted.